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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 20 October 2008 (S/2008/662), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) until 18 January 2009.

II. Security situation

2. The overall security situation in the UNMIS area of operations, while relatively stable during the reporting period, remains fragile and unpredictable in certain areas where armed clashes, banditry, tribal conflicts and rebel activity continue to be a concern.

3. On 12 December, a fire fight broke out between members of the Joint Integrated Unit and the Joint Integrated Police Unit in Abyei town, killing one and injuring nine. Thousands of civilians once more fled the area. Following the immediate intervention by the commanders of both Units, the Chief Administrator, my Special Representative and the Area Joint Military Committee, steps were taken swiftly to calm the situation. The Joint Integrated Unit redeployed to its new headquarters north of Abyei town; and the personnel of both Units were disarmed except for those on duty and UNMIS immediately commenced patrolling Abyei town with armoured personnel carriers to help restore security and prevent looting.

4. Following the refusal by the Lord's Resistance Army (LRA) leader, Joseph Kony, to sign the Juba Final Peace Agreement on 29 November, Ugandan, Congolese and Southern Sudan military forces launched a joint operation on 14 December against LRA positions in the northern Democratic Republic of the Congo, the first major offensive since the initiation of the Juba peace process in 2006. The Sudan People's Liberation Army (SPLA) subsequently deployed forces along the border to prevent a spillover of the fighting. The Government of Southern Sudan has kept open the passage to the assembly area in Ri-Kwangba should Kony decide to sign the agreement or any LRA units wish to surrender. Increased attacks on local villages in Southern Sudan by suspected LRA elements have been reported since.

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5. There have been recent allegations of substantial Justice and Equality Movement (JEM) deployments in Southern Kordofan. Local authorities stated they have not been able to confirm these reports but are nevertheless taking security precautions. UNMIS aerial patrols sent to verify the reports have detected no JEM movement in the areas. Meanwhile, SPLA has expressed concern that the Sudanese Armed Forces (SAF) are, in fact, reinforcing positions in the area using the alleged JEM presence as an excuse. The Area Joint Military Committees sent Joint Monitoring Teams to verify this redeployment of SAF but to date have found no substance in the allegations.

6. On 19 October, the Government of National Unity announced that nine Chinese oil workers had been kidnapped in Southern Kordofan, the fourth such incident involving oil workers in 2008. Four of the oil workers were killed in a rescue attempt, and four others escaped. The Government attributed the attack to JEM but the movement denied responsibility.

7. Tribal conflicts remain a significant security problem throughout Southern Sudan. In Warrab State, 16 died in clashes between Lou Areik and Apuk Padoy on 20 October. Fighting erupted again on 8 December when Dinka Lou Areik and Dinka Apuk Bol clashed in Adhaul village, killing six and wounding seven. Security in Nyirol, Urror, Akobo and Pibor counties (Jonglei State) remains unstable. On 10 November, a dispute among armed civilians in Unbill escalated into widespread fighting among clans, displacing over 7,500 households. The start of seasonal migrations has heightened the potential for inter-tribal friction, particularly in the border areas. An incident at the Comprehensive Peace Agreement celebrations on 9 January sparked violence between Dinka and Shilluk in Malakal. Ensuing violent clashes between the two tribes left 12 dead, an unknown number wounded and about 6,000 displaced.

8. Civilian disarmament remains uneven across Southern Sudan leaving many communities feeling vulnerable. Communities in Eastern Equatoria refused to disarm in the light of the LRA threat, violence in parts of Jonglei and Lakes State brought disarmament efforts to a halt while comprehensive disarmament has yet to start in Upper Nile and Western Bahr el Ghazal. While Southern Sudan governors have reiterated that disarmament will continue, however, these efforts could face growing resistance with renewed LRA incursions and tensions along the North-South border related to the migration season.

III. Political developments

9. As the parties to the Comprehensive Peace Agreement prepare to enter the final two years of the interim period, they have become increasingly aware of the challenges ahead. Both parties have emphasized the need for renewed efforts to generate a tangible peace dividend and make unity attractive. They also recognize the scope of the preparations necessary to ensure a peaceful 2011 referendum. Border demarcation, census results, elections, disarmament, demobilization and reintegration and preparations for the referendum and popular consultations remain key outstanding Comprehensive Peace Agreement issues. In addition, recent tribal tensions underline the importance of addressing land rights, migration issues and the peaceful coexistence of tribes.

10. The Sudan People's Liberation Movement (SPLM) and nine Southern political parties held a meeting in Juba from 8 to 13 November, the first South-South dialogue since 2005. The meeting adopted a number of resolutions on key issues. They reserved the right to reject the census results, indicating that if the results were questionable, Southern Sudan would insist upon maintaining the current legal assumption that it constitutes one third of the Sudan's population for purposes of implementation of the Comprehensive Peace Agreement. Participants reiterated the importance of adhering to the Comprehensive Peace Agreement elections schedule, set by the Comprehensive Peace Agreement and urged the Government of National Unity to provide the logistics and funding necessary to complete border demarcation before the general elections. They also called for the National Assembly to enact the Southern Sudan Referendum Law immediately.

11. On 16 October, the National Congress Party (NCP), SPLM, the Umma Party, the Democratic Unionist Party (DUP), and other national political parties attended the first session of the Sudan People's Forum in Khartoum, with hopes of resolving the Darfur conflict and other major national issues. The meeting reconvened in Kenana (White Nile State) the following day under the chairmanship of President Omar al-Bashir and established a 13-member presidential council and 7 subcommittees, chaired by eminent political and civil society actors.

12. The National Elections Commission was sworn in on 25 November. Both Comprehensive Peace Agreement partners have publicly announced their commitment to conduct elections before the deadline of 9 July 2009 stipulated in the Agreement, but underscored that selection of a feasible date lay within the purview of the National Elections Commission.

13. The current session of the National Assembly was adjourned with a plan to reconvene in early February to consider and adopt key pieces of national legislation. Included in the schedule for consideration will be the national security bill, the media bill, amendments to the Criminal Code, and the creation of the Human Rights Commission. The Referendum Act, a vital piece of legislation necessary for the 2011 referendums, is long overdue and will also be considered.

14. Relations between the Sudan and its neighbouring States remained relatively calm and stable. Resumption of diplomatic relations between the Sudan and Chad is a positive development with the exchange of ambassadors on 9 November 2008.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

15. After a long delay, the Chief Administrator of Abyei, Arop Moyak Monytoc, the Deputy Chief Administrator, Rahama Abderahman Al-Nour, and five other members of the Abyei Area Administration formally took office on 11 November. The Administration's resources, as well as administrative and logistical support, remain extremely limited. With technical support from UNMIS, United Nations agencies and several non-governmental organizations, the Administration drafted both an emergency 2008 and a 2009 budget, approval for which is pending with the Presidency. The absence of a budget has had a detrimental impact on the operational capacity of the Administration and the release of funds needs to be accelerated urgently.

16. The return of some 50,000 civilians displaced during the May fighting has been slow, with up to 10,000 returning to the Abyei area north of the Kiir River, and about 5,000 each to Abyei town and the villages north of the river between July and December 2008. An estimated two thirds of the returned population fled once more following the incidents of 12 December. Internally displaced persons have not returned in significant numbers since. Many of the internally displaced persons who had remained in nearby Agok appear to have left for Wau, Juba and Khartoum. The rainy season, the proliferation of unexploded ordnance, delays in appointing the civil administration, and general fears about the area's security have contributed to a reluctance among the Abyei residents to return. The United Nations Children's Fund (UNICEF) is working closely with the civil administration to provide water yards and boreholes. This is anticipated to help both returns and conflict reduction along the migration routes.

17. SAF and SPLA failed to meet the deadline of 12 December, agreed by the Ceasefire Joint Monitoring Commission for the withdrawal of their remaining forces in Diffra and Agok. At the meeting of the Commission on 17 December, the parties agreed to 15 January 2009 as a new deadline. On 19 December 2008, 39 SPLA Military Police were withdrawn from Agok to the south of the Abyei Road Map area. Some 226 armed personnel of various southern Sudan security forces also withdrew with the Military Police. Of a total of 31 SAF soldiers at Diffra, 21 redeployed out of the Abyei Road Map area on 18 January 2009. The withdrawal of the remaining 10 soldiers with all administrative stores is expected within the next few days, subsequent to which the Joint Integrated Unit will deploy to the area. The oilfield police maintain a presence in Diffra.

18. There are currently 618 Joint Integrated Unit personnel deployed in Mangyang, Todach, Balom and Abyei. On 1 November, 30 Unit personnel from Balom deployed to Banjideed, 10 kilometres east, to provide security along migration routes. Following the incident of 12 December, all Units have been withdrawn from Abyei town and 257 Joint Integrated Police Unit personnel have been tasked with maintaining law and order in the town. Twenty-three Joint Integrated Police Unit personnel were deployed to Agok with UNMIS assistance and plans are under way to extend the deployment of a Joint Integrated Police Unit to six villages along migration routes. An additional 73 Government of the Sudan police will be deployed to address the current North/South imbalance in the Joint Integrated Police Unit. The Government of Germany has provided much-needed communication equipment; the United Nations Development Programme (UNDP) has provided office equipment as well as extensive training support. Continued support will be required to bring the Joint Integrated Police Unit to full operational capacity.

19. On 26 November, the UNMIS Force Commander presented to the Ceasefire Political Commission, the investigation report of the Ceasefire Joint Monitoring Commission on the May 2008 violence in Abyei. The Co-chair persons vowed to critically review the report and take the necessary steps to implement the recommendations of the Ceasefire Joint Monitoring Commission.

20. On 30 October, the presiding officer of the Permanent Court of the Arbitration Tribunal for the Abyei dispute accepted his appointment, thereby formally establishing the Tribunal. On 18 December, SPLM and NCP submitted their first written memorials to the Tribunal. Further written submissions are due on 13 and

28 February, and oral arguments are scheduled for 18 and 23 April. Given the current schedule, the Tribunal should issue a decision by the end of July 2009.

Southern Kordofan

21. In Southern Kordofan, some positive developments continued during the reporting period, including progress with the integration of the former SPLM-controlled areas into the State administration. According to local authorities, the security situation and inter-tribal relations in Southern Kordofan have steadily improved. To prevent tensions, agreements were reached on the Misseriya migration through Southern Kordofan. At the same time, however, the abundance of arms, local dissatisfaction with the lack of a peace dividend, and fluid tribal and political affiliations make this area prone to conflict. Recurrent low-scale conflicts are of concern in the light of the sizeable presence of troops of both parties in or near the state.

Redeployment of forces

22. The verified redeployment percentage of SPLA forces remains at 10.6 per cent of the 59,168 SPLA troops initially stated to be north of the current border line. While SPLA claims that there are no troops beyond those already verified, it has not proposed any amendment to its initial figures. The total redeployment of SAF has decreased to 95.3 per cent because of its inability to identify 721 soldiers it claimed were demobilized without verification.

23. In response to the SPLA refusal to encamp in assembly areas and the parties' divergent positions on the issue, the Ceasefire Political Commission, on 29 October, asked UNMIS to examine international experience regarding the relevance of assembly areas at this stage of Comprehensive Peace Agreement implementation and to guide the parties accordingly.

Joint Integrated Units

24. There has been no change in the total number of Joint Integrated Units, which stand at 84.7 per cent of their mandated strength of 39,639 troops, with SAF comprising 52.4 per cent and SPLA 47.6 per cent. The Units continue to face substantial problems with logistics, finances, chain of command and full integration. Many lack appropriate communications equipment, transportation, administrative facilities, accommodation, water, sanitation and weaponry. Thus, the aforementioned figures do not accurately reflect the Units' functional capacity. Several donors have volunteered equipment and UNMIS is working to facilitate this process. The United Kingdom of Great Britain and Northern Ireland has provided radio equipment and Egypt has provided key items such as tents, generators and mess stores. The United Kingdom and the Netherlands have both committed an equal sum of US$ 1,049,705 to the Joint Integrated Unit Trust Fund during the current financial year. However, support by the Government of National Unity is still inadequate and many donors are concerned that mobilization and deployment remain behind schedule.

25. On 19 November, the Ceasefire Political Commission and the Joint Defence Board held their first joint session, which was attended by my Special Representative. The joint meeting represents an important step forward in addressing issues related to the Joint Integrated Units, which fall within the

mandates of both bodies. Attendees agreed to defer consideration of key outstanding issues to their next joint meeting in January 2009.

National census and elections

26. The Central Bureau of Statistics in Khartoum recently indicated that it expects to present the basic census results to the Presidency in February 2009. The Comprehensive Peace Agreement foresees the use of census results in apportioning National Assembly seats and in the delimitation of constituencies.

27. The National Elections Commission, which was to be established no later than one month following the enactment of the electoral law on 14 July, was sworn in on 25 November. It will require more time to reach the operational capacity needed to complete election preparations. It will need to rapidly build up its staff and offices at the national, regional and state levels, and to develop policy and procedures on issues ranging from voter registration and the enfranchisement of internally displaced persons to the delimitation of constituencies at all levels of the complex electoral process. A sizeable voter education effort will be required to ensure voters are familiar with the changes introduced in the 2008 National Elections Act. While it is the responsibility of the parties and the Commission to determine the date of the elections, technical challenges call into question the feasibility of holding comprehensive and credible elections by the Comprehensive Peace Agreement target date of July 2009.

28. The Political Parties Affairs Council, required to effect registration of political parties, was established in late November 2008. The media and press laws and the National Security Act are under discussion at the highest political levels in order to bring them into conformity with the Bill of Rights enshrined in the Interim National Constitution of the Sudan. The Referendum Act, which remains long overdue, is also under discussion.

Wealth-sharing

29. According to the Ministry of Finance and National Economy, the Sudan earned total oil revenues of $347.79 million for November 2008, of which the Government of National Unity received $171.05 million and the Government of Southern Sudan $150.74 million. The Ministry reported that the Government had transferred a total of $2,503.27 million to the Government of Southern Sudan between January and November 2008 and that between June and November the share of Abyei area stood at approximately $39.24 million. By the end of November, arrears to the Government of Southern Sudan had increased to $286.83 million. The recent decline in global oil prices will inevitably cut sharply into the Sudan's oil revenues and, consequently, into governmental budgets, particularly in the south.

V. Implementation of other peace processes in the Sudan

30. The Joint African Union-United Nations Chief Mediator for Darfur, Djibril Yipènè Bassolé, continued extensive consultations and held meetings with the President and representatives of the Government of National Unity, movement leaders and national political parties. Security remains the prime concern of the Darfur population and continued violence over the past few months has not contributed to an environment conducive to peaceful talks. The Chief Mediator has

commenced intensive shuttle diplomacy between the parties to discuss elements of a framework agreement that would form the basis of detailed negotiations. The Mediation welcomed the various recent efforts to reach a peaceful settlement, including the Qatari Initiative and the Sudan People's Initiative.

31. The Government of National Unity and the Eastern Front have made progress in implementing the East Sudan Peace Agreement, despite continued divisions among Eastern Front leadership. The High Joint Committee held its fourth meeting in November. Eastern Front military forces have been reintegrated into SAF and the police force, and the Committee has called for the immediate release of funds required for the disarmament, demobilization and reintegration of former Eastern Front combatants. The Government has earmarked $125 million for the Eastern Sudan Reconstruction and Development Fund, in addition to $75 million allocated but not dispersed from the 2008 budget.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

32. Throughout the reporting period, my Special Representative maintained constant dialogue with the Sudanese political leadership and key stakeholders in the peace process. Following the 12 December shooting incidents in Abyei, he visited Abyei immediately to hold consultations with the local leadership. Options for addressing the situation, its root causes and measures required to prevent further escalation were discussed in meetings with the commanders of the Joint Integrated Unit and the Joint Integrated Police Unit, the Abyei Administrator and representatives of SAF, SPLA and the Area Joint Military Committee.

33. In November, UNMIS facilitated the first round table of political parties in Western Equatoria State. Nine political parties participated, including SPLM and NCP, marking the first time the parties jointly discussed the electoral law, the political parties act and the role of political parties throughout the election cycle. Similar initiatives are planned in other states in early 2009.

34. UNMIS supported several local peace conferences during the reporting period. Some were related to internal boundary disputes, especially in the Equatorias, Upper Nile State, Jonglei State, Lakes State and Warrab State. Two conferences focused on migration across the 1 January 1956 border and brought together Dinka and Misseriya leaders with state and county officials. From 11 to 14 November 2008, UNMIS facilitated a Dinka Malual/Misseriya Humr reconciliation conference in Northern Bahr el Ghazal. While the participants passed no binding resolutions, they did agree that unarmed Misseriya pastoralists should have unhindered access to grazing areas and water points in the south, and this opportunity for dialogue may have laid the foundation for better relations in the future.

35. On 18 October, UNMIS delivered satellite imagery needed to produce a base map to the Technical Ad hoc Border Committee. The United Nations also provided two experts for a Government of Southern Sudan Border Committee workshop on 17 and 18 November that examined border delineation processes and international border demarcation experiences.

Military deployment and activities

36. As of 17 December 2008, 99.7 per cent (9,346 out of 9,375) of UNMIS military personnel were deployed in the Sudan, including 622 military observers, 190 staff officers and 8,534 troops. Regular operations continued throughout the reporting period, including support to the Comprehensive Peace Agreement ceasefire mechanisms and joint patrols of military observers and the parties' national monitors, although current limitations in flight hours have caused a 30 per cent reduction in aerial patrols which significantly restrict force monitoring capacity. Both sides are being encouraged to focus on a peaceful pastoral movement and prevent any escalation of local skirmishes to conflict between forces deployed along the current border line.

37. From 14 to 16 October, the UNMIS Sector Commander Conference was held in Ed Damazin. Construction projects continued, including the expansion of the UNMIS Abyei Camp and the resurfacing of the Abyei-Kadugli road. A review of protective measures at UNMIS installations is currently being carried out and efforts to enhance security are in progress.

38. UNMIS continues to implement the recommendations of the Military Capability Study and the force structure is being re-aligned to meet future challenges of the mission. A strengthened presence in Southern Kordofan and Abyei, expanding each to four and three company size sectors respectively, improved security of the El Obeid Logistics Base through the deployment of 155 troops as a quick reaction force, and extended monitoring and verification activities through the establishment of three new team sites are current priorities as is support for disarmament, demobilization and reintegration, elections and referendums.

39. Movement restrictions continue to hamper UNMIS monitoring and verification in some parts of its area of operation. Due to movement restrictions in the north and east of Sector VI (Abyei), UNMIS is unable to monitor the alleged enhancement of SAF troop strength in this area. On 13 November, SPLA troops manning a checkpoint in Blue Nile State stopped a Joint Monitoring Team and threatened to arrest the SAF national monitor.

Police

40. As of 1 December, UNMIS has deployed 84 per cent of its mandated police strength (677 Police Advisers, including 60 women) to 22 sites throughout the mission area.

41. During the reporting period, UNMIS police trained a total of 3,853 local police officers (1,076 Government of the Sudan police and 2,777 Southern Sudan Police Service), including 350 female officers, in various aspects of policing. UNMIS police also prepared 202 Southern Sudan Police Service personnel to take over basic police training. UNMIS police, Southern Sudan Police Service, UNDP and United States Government bilateral programme representatives are jointly developing a basic training curriculum for in-service personnel and new recruits.

42. The United Nations police component is also working closely with the UNMIS electoral and disarmament, demobilization and reintegration sections to support their activities by training and assisting local police.

43. The Government of the Sudan Police Director General has approved a United Nations police initiative to revive the Police Development Committee. This Committee is a forum of all stakeholders constituted to oversee all policy issues regarding reform, restructuring and training. Six community aid posts, hub centres of community policing activities in the locality, were approved for three internally displaced persons' camps in Khartoum which had so far not benefited from these services. Training of community and local police in community policing, based on the United Nations policing model, was also approved for the same camps.

Disarmament, demobilization and reintegration

44. Through its integrated disarmament, demobilization and reintegration unit, UNMIS continued to work with the parties to create momentum in the planning and implementation of the long delayed multi-year disarmament, demobilization and reintegration programme for the Sudan. In accordance with the priorities agreed upon by the parties to the Comprehensive Peace Agreement, donors and UNMIS, demobilization activities will begin first in the Three Areas. The parties have established joint disarmament, demobilization and reintegration offices in Blue Nile State and Southern Kordofan. Demobilization activities in Blue Nile State have been postponed for technical reasons and are now expected to begin in early 2009. In the course of preparations, the parties have made progress in developing joint operational procedures.

45. The donors, the Northern and Southern Disarmament, Demobilization and Reintegration Commissions, and the United Nations have made encouraging progress in building a partnership to address disarmament, demobilization and reintegration issues. Agreement has been reached on a schedule of monthly meetings of stakeholders and an agenda of funding-related issues raised by both donors and Government.

46. The reintegration caseload for the Three Areas in 2009 will require at least $85 million in voluntary funding through UNDP to establish the necessary infrastructure. Among the donors, the Government of Japan has been the first to sign, on 8 January 2009, an agreement with the United Nations to contribute $17 million towards the cost of reintegration. The UNICEF-led demobilization and reintegration of an estimated 8,000 children associated with armed forces and armed groups will require $10 million for 2009. UNMIS is assisting the parties to prepare for a senior-level disarmament, demobilization and reintegration round-table meeting with donors in February 2009, at which all stakeholders will assess the progress made in addressing donors' concerns and the amount and timing of voluntary contributions. Clarity on the latter is vital for planning, recruitment, procurement and managing the expectations of the tens of thousands of eligible ex-combatants.

Return and reintegration

47. Despite considerable progress, the return of internally displaced persons and refugees to their homes in Southern Sudan remains a challenge. In addition to logistical hurdles, local communities have limited capacity to absorb the returning population, increase available services or adjust to shifting demographics and urbanization. Local security and land distribution are among the most urgent issues, but continued efforts are also required to develop options for both rural and urban

livelihoods, expanding local services, and promoting inter- and intracommunity reconciliation.

48. Spontaneous returns, which marked the first half of November, declined towards the end of the quarter as major religious holidays discouraged extensive relocation. Moreover, while the rainy season had largely ended by the period's close, many overland routes remained impassable. In 2008, a total of 129,950 internally displaced persons and refugees returned through United Nations or other organized programmes, while a total of 325,438 returned spontaneously.

Recovery and development

49. Despite the international community's 2009 Sudan Work Plan, projected Government of Southern Sudan budget cuts and other factors have dramatically increased the need for humanitarian assistance. In addition to cuts in public salaries, the Government of Southern Sudan has shelved plans to take over the basic services currently provided by international non-governmental organizations and United Nations agencies, which currently provide more than 80 per cent of Southern Sudan's safety net, including primary health care and clean water. Increased returns expected ahead of elections and referendums, are creating additional basic services requirements across the south.

50. Recovery and governance programmes continue. The Sudan Recovery Fund began operations, channelling support to high-impact livelihood projects in all 10 southern states. The Fund plans additional support for feeder roads, agricultural storage facilities and community-level security programmes in early 2009. While the Fund has proved to be a much-needed vehicle for efficient disbursal of State-based funding, the allocated funds remain small relative to Southern Sudan's need, even when combined with funding through the Multi-donor Trust Fund.

51. According to Government of Southern Sudan figures, Southern Sudan received approximately $400 million in international assistance during 2008, a figure far below that called for in the Sudan Work Plan, which includes an appeal for $2.18 billion for the Sudan, with a net requirement of $1.56 billion given already secured funds. Of this amount, more than $1 billion is for emergency programming in Darfur alone. With the end of the interim period looming, efforts to secure the $600 million requested for Southern Sudan are being intensified.

52. In Abyei, United Nations agencies and non-governmental organizations provided critical support to the Abyei Area Administration, including life-saving assistance to those displaced by the fighting earlier in 2008, and an early recovery programme for returnees. The 2008 Abyei Strategic Action Plan is serving as the starting point for 2009 plans. Immediate challenges include unexploded ordnance; the impassability of the north-south road; limited access to rural areas; limited access to water, health care and education north of the river; a lack of Government support for returns; and the loss of homes in and around Abyei town.

Human rights

53. Some positive developments can be discerned during the reporting period. One sign of progress was the announced intention by the National Assembly to pass legislation creating a Human Rights Commission. The Government of Southern Sudan also made progress in legislative reform with the adoption of several laws

relevant to human rights. Nevertheless, the human rights situation continued to be of serious concern.

54. Incidents of arbitrary arrest by the National Security Intelligence Services continued to be a major human rights concern in the north. In addition to around 150 people brought to trial for the May 2008 JEM attack on Ombdurman, up to 100 remain detained without charge or trial and the whereabouts of hundreds of people who were reportedly arrested remain unknown. Two leading figures of opposition parties were detained after they expressed views in support of the International Criminal Court. Two human rights defenders were mistreated while in the custody of the National Security Intelligence Services, and one person was brought to trial on espionage charges, for allegedly having provided information to the International Criminal Court.

55. Despite positive indications, restrictions on freedom of expression and the media, including daily press censorship, continued unabated. On 17 November, about 74 journalists were briefly detained on the steps of the National Assembly during a peaceful protest against press censorship. At least 10,000 inhabitants of the northern Nile valley were forcibly evicted from their homes and land as water levels rose after the closure of the Merowe hydropower dam in July. Residents who remained in the area had opposed governmental relocation plans. They were not offered alternative housing in line with the agreement they had reached with the authorities, and have received neither compensation nor adequate humanitarian assistance.

56. In Southern Sudan and the Three Areas, weak administration of justice still has a negative impact on the full enjoyment of basic human rights as people are held in detention for prolonged periods of time without having access to legal assistance, including those facing the death penalty. Accountability remains a significant concern with many reported human rights violations not properly addressed by authorities at the state and regional levels. With regard to the incident of 4 June in Eastern Equatoria State, where an exchange of gunfire between civilians and SPLA led to the death of 14 civilians and 7 soldiers and the burning of parts of Logurony and Iloi villages, so far there are no indications of any action taken to investigate and prosecute those responsible for this incident. The loss of life in Southern Sudan remains a major concern as tribal disputes and clashes over resources continue to occur in spite of some local initiatives undertaken by the authorities.

Electoral assistance

57. UNMIS continues to build its electoral assistance capacity to support the Sudanese authorities in line with its mandate. Core staff is in place in Khartoum and at the regional office in Juba, as are small teams in each of the 10 states of Southern Sudan. Recruitment of a small team for El Fasher to facilitate closer coordination with the African Union-United Nations Hybrid Operation in Darfur (UNAMID) is also under way. UNMIS, UNAMID and UNDP are actively engaged in coordination mechanisms both within the United Nations system and with the international community.

58. A request for electoral assistance has not yet been received from the Government of National Unity. Once the nature and extent of the required assistance are clear, UNMIS may need to recruit and deploy staff quickly, beyond the currently authorized level of 141, in order to provide the requested support.

Rule of law

59. UNMIS continues its assessments of northern prisons. In response to requests from national authorities, UNMIS provided various trainings for prison officers, social workers and prisons service staff. Basic prison training in Western Bahr el Ghazal State for 132 ex-SPLA soldiers deployed to the prisons service is currently being planned. The Director General of Prisons approved a UNAMID request for UNMIS assistance in assessing prisons in Darfur. The assessment will commence in early 2009 and fall within the current Ministry of Interior, UNMIS and UNDP memorandum of understanding.

60. In Southern Sudan, UNMIS continued to provide monitoring and advice on legal reforms and advisory support for the drafting of key legislation, including the Southern Sudan prisons bill, the police bill and the land bill. The UNMIS rule of law and police components completed workshops for Southern Sudan Police Service personnel, prosecutors and magistrates on justice, law enforcement and customary law. In collaboration with UNDP, UNMIS is supporting the Ministry of Justice in developing a free legal aid framework. UNMIS also assisted the prison service in the development of the prisons bill and maintained an advisory presence in all 10 southern states.

Child protection

61. Of the 109 children detained following the attack on Ombdurman, 99 were pardoned and released; 4 were acquitted after trial and released; 5 remain in custody pending completion of their trials; and 1 is waiting to go through the appellate process after the delivery of a death sentence against him. UNMIS continues to urge the authorities to pardon all children remaining in custody and to bar application of the death penalty to juveniles in accordance with the Sudan's obligations under the Convention on the Rights of the Child.

62. UNMIS child protection staff were part of a delegation led by senior SPLA officers to sensitize field commanders on preventing the recruitment of children. The direct involvement of the SPLA high command is a breakthrough, as lack of cooperation from commanders holding children has been a primary obstacle for child disarmament, demobilization and reintegration in the south. The Southern Sudan Disarmament, Demobilization and Reintegration Commission is identifying, verifying and arranging for the release of children identified during the campaign; over 200 children in Northern Bahr el Ghazal, Unity and Upper Nile States have already been released. It is imperative that reintegration programmes follow immediately.

Protection of civilians

63. Approximately 5,000 Congolese refugees fled into Western Equatoria near Yambio in September and October 2008 following LRA attacks on border communities in north-eastern Democratic Republic of the Congo. Refugees reported killings, abductions and the burning of villages. Approximately 1,900 children are among the refugees, including those separated from their families during flight.

64. Inter-tribal violence linked to cattle disputes and exacerbated by the prevalence of civilian firearms, continues to present a significant threat to civilians

across Southern Sudan. Reconciliation conferences have provided some stability, but civilian security remains very fragile in a number of areas.

Public information

65. The UNMIS Public Information Office continued to promote accurate reporting on the implementation of the Comprehensive Peace Agreement by national and international media through daily interaction, briefings, statements and interviews. UNMIS Radio, Miraya FM, will double its short-wave transmission and begin transmission via regional satellite later in 2009 to improve nationwide access in the light of operational restrictions in the north and the Three Areas. In the south, the Mission is upgrading 5 of the existing 13 FM relay stations and has identified 4 additional sites for relay stations. Miraya remains one of the main reliable news and information sources in the Sudan.

Mine action

66. UNMIS mine action teams have made significant progress, and all five teams have resumed activity since the start of the operational mine-clearance season in October. To date, the mine action programme has cleared 2,170 of the 4,050 identified dangerous areas and opened 27,975 kilometres of road. During the reporting period, major accomplishments included the clearance of the Andullo minefield in Southern Kordofan and the survey and clearance of high priority routes such as El Hemer-Boram in Southern Kordofan, Marial Bai — Raga northwest of Wau and Dabio-Ezo near the border of the Democratic Republic of the Congo. In November, the Cambodian Military Demining Company destroyed over 50 tons of stockpiled ammunition in Malakal.

67. UNMIS has helped complete a draft plan for the transfer of mine-clearance responsibility to the Sudanese authorities in November and December 2008. The National Mine Action Centre, the Southern Sudan Demining Commission, UNDP, UNICEF and the United Nations Mine Action Service are scheduled to sign a memorandum of understanding by the end of January 2009 incorporating the transition plan into the Mine Action Sector Multi-Year Plan. Training in support of the transition process has begun and is progressing well.

Conduct and discipline

68. UNMIS strengthened its focus on preventing misconduct, including sexual exploitation and abuse, through training programmes, risk assessments, briefings and policy advice for managers and commanders at all levels. UNMIS conducted a successful campaign on the prevention of sexual exploitation and abuse focused on prostitution and human trafficking. More than 300 participants, including national authorities, local leaders, students, faculty, United Nations agencies and non-governmental organizations, participated at the state universities in Ed Damazin and Malakal.

69. Increased awareness of the consequences of non-compliance with the United Nations code of conduct and violations of the zero-tolerance policy on sexual exploitation and abuse helped reduce incidents of abuse. Twelve new cases of misconduct were officially recorded, of which three were for serious allegations of misconduct.

Gender

70. The Gender Unit focused its activities during the review period on support for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) and the policy directive on gender equality of the Department of Peacekeeping Operations. The Unit conducted training and capacity development activities on gender-based violence, political participation, and protection for government ministries, civil society organizations and community leaders, including sessions for female parliamentarians from the three Equatoria States. The Unit also met with the Gender Elections Task Force to discuss the elections activities mapping exercise for United Nations partners and civil society organizations involved in electoral activities. During the pilot demobilization exercise in Blue Nile State, the Unit assessed the integration of gender perspectives in the process.

HIV/AIDS

71. The HIV/AIDS Unit intensified capacity-building efforts focused on peacekeepers, Sudanese military units, police forces, prisons, religious groups and schools. The Unit trained 218 HIV/AIDS peer educators, and more than 12,000 participated in sensitization programmes. The Unit also assisted in the integration of HIV/AIDS issues into UNMIS disarmament, demobilization and reintegration programmes.

Staff security

72. The Sudanese Diplomatic Police have increased their presence in the UNMIS compound premises following a suspected hostile surveillance of its Khartoum headquarters on 26 October. Burglary and robbery of United Nations staff in Khartoum increased from one incident in the third quarter of 2008 to four incidents in the last quarter of 2008, as did traffic accidents involving staff members with road conditions deteriorating during the rainy season. The Government of Southern Sudan launched anti-crime operations in Juba in response to criminal activity targeting United Nations staff.

73. UNMIS has imposed a staff curfew in Rumbek as an additional security measure following a series of robberies of United Nations international staff, as well as staff movement restrictions in Yei due to the inter-tribal fighting.

74. Recent cases of arrest and detention and harassment of staff members were reported in Blue Nile State, Southern Kordofan and Southern Sudan.

Coordination with other peacekeeping missions

75. UNMIS continued to implement cooperation mechanisms with UNAMID at senior management and working levels. UNMIS and UNAMID safety and security leadership regularly exchange relevant information and efforts are under way to establish a formal information exchange mechanism with the United Nations Mission in the Central African Republic and Chad. The regular exchange of information between the military components of UNMIS and the United Nations Organization Mission in the Democratic Republic of the Congo continues, particularly with regard to reports of increased LRA activities in September and October 2008 and the recent joint offensive against LRA bases in the Democratic Republic of the Congo. Regional cooperation was further enhanced through the

regional United Nations inter-mission conference for military staff in Addis Ababa from 16 to 18 December 2008, headed by the Military Adviser for Peacekeeping Operations.

Financial aspects

76. The General Assembly, by its resolution 62/267, appropriated for the maintenance of UNMIS for the period from 1 July 2008 to 30 June 2009 an amount of $820.7 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2009, the cost of maintaining the Mission until 30 June 2009 would be limited to the amounts approved by the General Assembly. At 30 November 2008, unpaid assessed contributions to the Special Account for UNMIS amounted to $194 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $3,375.6 million. Reimbursement of troop-contributing Governments for troop- and contingent-owned equipment costs has been made for the period up to 30 November 2008 and 30 September 2008, respectively.

VII. Observations

77. With little over two years of the interim period remaining, the Comprehensive Peace Agreement has reached a critical juncture where any action or inaction on its provisions will have a profound impact on the future of the Sudan. While progress in its implementation needs to be recognized, daunting challenges still lie ahead. Key benchmarks, including census results, elections, border demarcation, disarmament, demobilization and reintegration and preparations for referendums and popular consultations, now need to be achieved within a tight time frame with very little flexibility for further delays.

78. As critical and politically complex milestones are approaching, the parties' strong political will, determination and decisive action will be required to consolidate achievements made since 2005, complete the interim period securely and prepare for a peaceful referendum as well as post-referendum stability. However, despite overcoming differences, the parties' relationship remains fragile and continues to be affected by uncertainties about the future of the Sudan, in particular the 2011 referendum. I encourage the parties to use previous successes as building blocks for greater trust and confidence at a time where close cooperation and joint progress will be decisive.

79. Southern Sudanese self-determination is a complex issue with profound implications for security and stability in the Sudan and in the region. I call upon the parties to begin serious preparations for referendums and popular consultations and their possible results as soon as possible and welcome their request for the close involvement of my Special Representative in supporting these endeavours. I also urge the parties to immediately commence dialogue about wealth-sharing in the post 2011 period.

80. The parties to the Comprehensive Peace Agreement are yet to present a convincing case for unity to the people of Southern Sudan. I call upon the parties to use the remaining two years to explore all options available to make unity attractive as stipulated in the Comprehensive Peace Agreement. This will have to include the generation of a visible peace dividend which, as of now, falls short in many areas.

The population, particularly in the south and in the border areas, urgently needs to see tangible benefits from the peace and stability created by the Comprehensive Peace Agreement, including the provision of basic public services. The United Nations stands ready to assist the parties in this endeavour. Increased local dissatisfaction inevitably bears dangers of instability.

81. Insecurity continues to plague parts of the country where banditry, tribal clashes and militia activities remain a grave concern. The abundance of small arms, local dissatisfaction, a lack of economic prospects and the presence of spoilers can form a dangerous constellation. Tribal conflicts bear the inherent danger of escalation and land rights, migration issues and peaceful tribal coexistence need to be addressed urgently. Providing security throughout the Sudan is a complex undertaking requiring concerted efforts at national and regional/local levels. It is at the same time the key precondition for the well-being of the people and economic development.

82. The Joint Integrated Units, a key pillar of the security architecture of the Sudan and an important symbol of national unity, are still facing many political, logistical and operational hurdles and are not fully functioning as intended in the Comprehensive Peace Agreement. I welcome the joint Ceasefire Political Commission and the Joint Defence Board efforts to address the outstanding issues. The 12 December incidents in Abyei once again highlighted the fragility of the Joint Integrated Units — and also the Joint Integrated Police Units — and the need for quick improvements. I call upon the parties to renew their commitment to the success of the Joint Integrated Units and encourage donors to consider further options for immediate support.

83. I welcome the progress made in the implementation of the Abyei Road Map Agreement. I call upon the Abyei Area Administration to assume its full responsibilities and demonstrate leadership in addressing the difficult issues they face and on the parties to the Comprehensive Peace Agreement to provide all necessary financial and political support. I commend the parties, the Abyei Chief Administrator and the Joint Integrated Unit and Joint Integrated Police Unit commanders in Abyei for their swift response to the violence of 12 December. At the same time, I am concerned about the renewed flare-up of violent clashes — for the second time in eight months — which stress the volatility of the situation and the need for preventive action. In this regard, I urge the Government of the Sudan to remove all restrictions on the freedom of movement of UNMIS throughout the Three Areas in order to restore the Mission's situational awareness and hence its ability to defuse future conflicts.

84. Momentum in the disarmament, demobilization and reintegration programme needs to be maintained. An early start of demobilization activities in the Three Areas will do much to build confidence and show tangible progress in implementation of the Comprehensive Peace Agreement. At the same time, it is important that the parties commence discussions on the proportional downsizing of forces on both sides in accordance with its timetable and address donors' concerns. The international donor community, for its part, can make a significant contribution by making early and generous commitments to the disarmament, demobilization and reintegration programme and I am grateful for the leadership shown by Japan in this regard. Progress in disarmament, demobilization and reintegration will be critical to

bringing about a conducive environment for the peaceful implementation of any outstanding benchmarks of the Comprehensive Peace Agreement.

85. I commend the parties for establishing a credible National Elections Commission which, given the number of challenges it faces, should begin its work as quickly as possible. The release of the census results will be another key step towards elections and I encourage both parties to avoid any further delays in the electoral process. I welcome the parties' resolve to ensure adoption of the relevant legal framework. I intend to send a needs assessment mission to the Sudan soon to discuss the details of UNMIS electoral support with the Government of National Unity, the Government of Southern Sudan, and the National Elections Commission.

86. I urge the parties to expedite the demarcation of the North-South border. The Ad Hoc Technical Border Committee has delayed the release of its report. These delays will inevitably affect election preparations and implementation of other key benchmarks of the Comprehensive Peace Agreement.

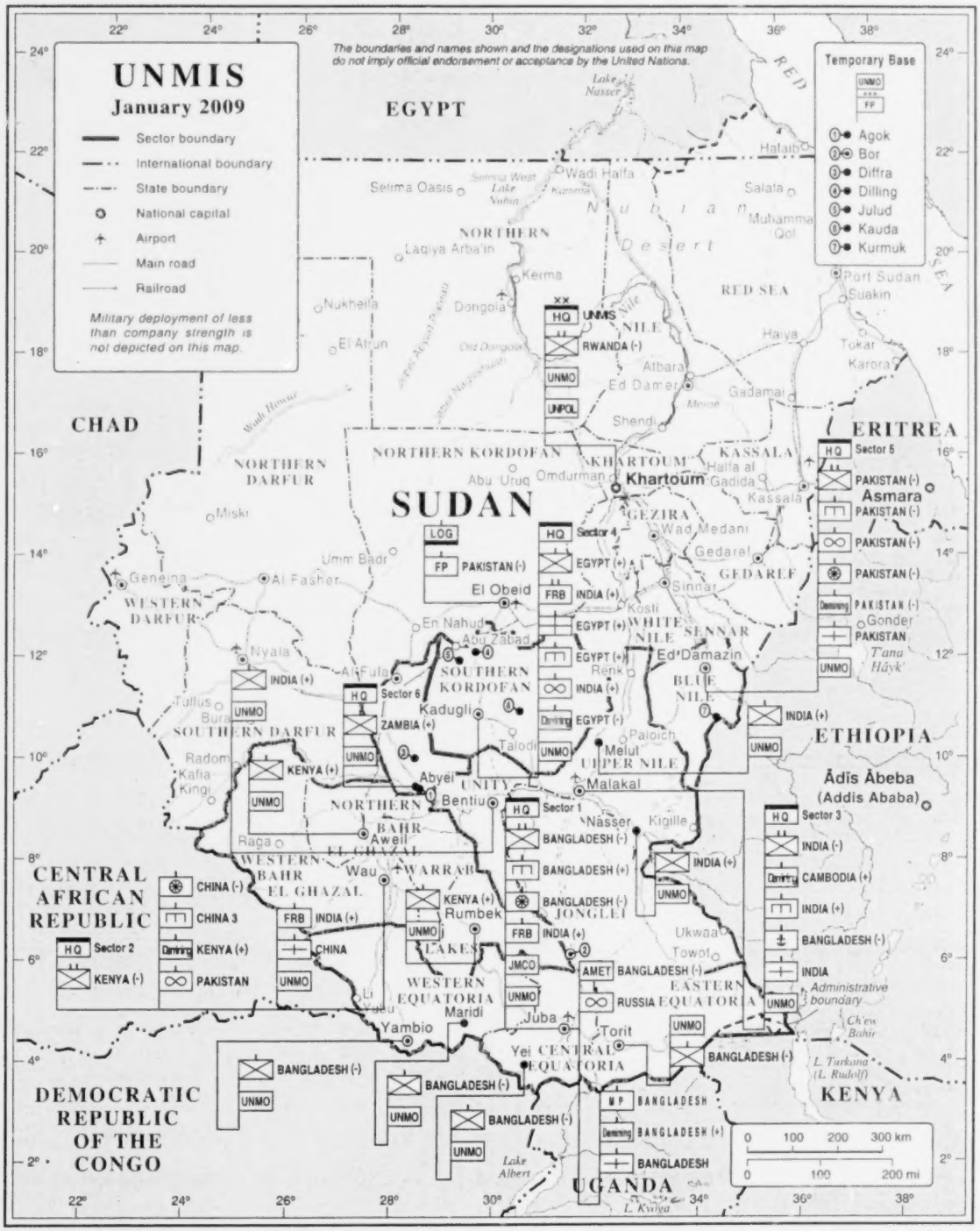
87. The Comprehensive Peace Agreement is closely linked to other peace processes in the region. Lack of progress in Darfur does not create an environment conducive for its implementation. The ongoing crisis complicates the Sudan's political and military dynamics, taxing the parties' capacity to adapt to the changes required by the Comprehensive Peace Agreement. Possibilities of military spillover, particularly into Southern Kordofan, are of grave concern. Other cross-cutting issues, including the census and elections, demand coordinated efforts by all parties, and the pursuit of a strategic approach to the Sudan as a whole. Increased insecurity in Southern Sudan related to the faltering LRA peace process is a further concern.

88. In anticipation of a possible action by the International Criminal Court against President al-Bashir, the National Assembly has taken steps to amend the criminal code so as to allow prosecution of crimes within the Court's jurisdiction in national courts. On 12 October, the Minister of Justice announced the detention of the indicted militia commander Ali Kushayb but there has been no independent confirmation on the subject. High-level Government officials continue to reiterate their refusal to recognize the Court's jurisdiction in the Sudan or to extradite any Sudanese national to The Hague. Meanwhile, SPLM and nine Southern political parties have urged the National Congress Party to engage with the International Criminal Court and avoid a confrontational approach.

89. The International Criminal Court's actions have a major impact on Sudanese political dynamics and have diverted much attention at a time when outstanding issues related to the Comprehensive Peace Agreement require the parties' cooperation and renewed commitment. While I am encouraged by the assurances of continued support by the Government, I am also concerned about remarks by some of its officials that the Government may redefine its relationship with UNMIS should an arrest warrant be issued against President al-Bashir. I call upon the Government to fulfil its obligations to ensure the safety of United Nations staff and of nationals of States Members of the United Nations in the Sudan. I also expect both parties to remain fully committed to all aspects of the Comprehensive Peace Agreement and the relevant Security Council resolutions, including cooperation with UNMIS. At the same time, depending on the security and political environment, I reiterate the United Nations continued full commitment to the implementation of its mandate and provision of support to the Comprehensive Peace Agreement and peace in the Sudan.

90. Independent of any other developments in the international or national realm, the Comprehensive Peace Agreement remains fundamental to the interest of both parties and to the people of the Sudan. The parties will be judged by the population of the Sudan for what peace has delivered. I trust that progress within the next two years will reflect these basic parameters and I reiterate that there is no time to waste. I also urge the international community and donors in particular to provide the required support to the Sudan at this critical juncture.

91. In conclusion, I wish to thank my Special Representative, all United Nations staff and the international community for their steady support to the parties in the implementation of the Comprehensive Peace Agreement.


UNMIS
January 2009
Sector boundary
International boundary
State boundary
National capital
Airport
Main road
Railroad
Military deployment of less than company strength is not depicted on this map.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Temporary Base
UNMO
FP
1 Agok
2 Bor
3 Diffra
4 Dilling
5 Julud
6 Kauda
7 Kurmuk
EGYPT
SUDAN
CHAD
ERITREA
ETHIOPIA
KENYA
UGANDA
CENTRAL AFRICAN REPUBLIC
DEMOCRATIC REPUBLIC OF THE CONGO
Khartoum
Asmara
Ådis Åbeba (Addis Ababa)
Juba
Malakal
Wau
Abyei
El Obeid
Ed Damazin
Kadugli
Yambio
Maridi
Torit
Yei
Bentiu
Aweil
Raga
Nyala
Al Fasher
Geneina
Kassala
Gedaref
Sinnar
Gonder
Port Sudan
Suakin
Halaib
Atbara
Ed Damer
Shendi
Dongola
Kerma
Wadi Halfa
Selima Oasis
Salala
Nukheila
El Atrun
Ladiya Arba'in
Miski
Umm Badr
En Nahud
Abu Zabad
Talodi
Melut
Renk
Paloich
Nasser
Kigille
Ukwaa
Towot
Rumbek
Li Rangu
Tullus
Burra
Radom
Kafia Kingi
Lake Nasser
Lake Nubia
Sarra West
Kumma
Nubian Desert
RED SEA
NILE
Wadi Howar
Wadi Milk
Old Dongola
Merowe
Haiya
Tokar
Karora
Halfa al Gadida
Abu Uruq
Omdurman
Wad Medani
Jebel Marra
Meiga
Tana Hâyk'
Lake Albert
L. Kwoga
L. Turkana (L. Rudolf)
Administrative boundary
0 100 200 300 km
0 100 200 mi
NORTHERN DARFUR
WESTERN DARFUR
SOUTHERN DARFUR
NORTHERN KORDOFAN
SOUTHERN KORDOFAN
KHARTOUM
GEZIRA
KASSALA
GEDAREF
WHITE NILE
BLUE NILE
SENNAR
UPPER NILE
UNITY
JONGLEI
LAKES
WARRAB
NORTHERN BAHR EL GHAZAL
WESTERN BAHR EL GHAZAL
WESTERN EQUATORIA
CENTRAL EQUATORIA
EASTERN EQUATORIA
UNMIS
RWANDA (-)
UNMO
UNPOL
PAKISTAN (-)
PAKISTAN (+)
PAKISTAN
EGYPT (+)
EGYPT (-)
INDIA (+)
INDIA (-)
INDIA
ZAMBIA (+)
KENYA (+)
KENYA (-)
CHINA (-)
CHINA 3
CHINA
FRB
JMCO
AMET
RUSSIA
BANGLADESH (-)
BANGLADESH (+)
BANGLADESH
CAMBODIA (+)
LOG
FP
HQ
Sector 1
Sector 2
Sector 3
Sector 4
Sector 5
Sector 6
UNMIS
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January 2009
Department of Field Support
Cartographic Section